

PRITZKER LEVINE

LLP

ATTORNEYS AT LAW

January 8, 2016

VIA ECF

The Honorable Charles R. Breyer
United States District Court
Courtroom 6, 17th Floor
450 Golden Gate Avenue
San Francisco, CA 94102

RE: *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2672 CRB (JSC)

Dear Judge Breyer:

I am a founding partner of Pritzker Levine LLP, and serve as counsel of record in three class actions filed on behalf of owners and lessees of Volkswagen TDI vehicles that were marketed and sold as "Clean Diesel": *Lau, et al. v. Volkswagen Group of America, et al.*, 5:15-cv-04302 (N.D. Cal.); *Walker v. Volkswagen Group of America, et al.*, 2:15-cv-07395 (C.D. Cal.); and *Skye, et al. v. Volkswagen Group of America, et al.*, 5:15-cv-04482 (N.D. Cal.).

Pursuant to Pretrial Order No. 2, I respectfully submit this application for appointment to serve as a member of the Plaintiffs' Steering Committee.

(1) Professional Experience in This Type of Litigation

I have more than 25 years of complex litigation experience representing individuals, corporate clients and nonprofit groups in consumer class actions, antitrust matters, business and employment disputes, and in First Amendment-related litigation. My experience leading consumer cases is broad and extends to class action litigation involving automobile defects, deceptive trade practices, product liability, and violations of state consumer protection laws.

I was appointed by Judge Peter D. Lichtman (Ret.) to serve as Class Counsel on behalf of a certified class of owners and lessees of Chevrolet Silverado trucks whose vehicle engines had abnormal "knock, ping or slap" noise in *In re GM Cases* (Anderson v. General Motors, Corp.), JCCP No. 4396, a coordinated California class action proceeding centralized in the Los Angeles Superior Court. I prosecuted the case, through summary judgment and two trips to the Court of Appeals, to a successful resolution by class settlement. More recently, as one of two co-lead counsel, I represented California owners and lessees of model year 2011-2012 Dodge Chargers in *Gathron v. Chrysler Group, LLC*, 4:13-cv-05922-WHO (N.D. Cal.), a class action alleging that the factory-installed headlight harness in these cars was defective and posed a safety hazard. This litigation was pending before the Hon. William H. Orrick and resolved, at the motion to dismiss stage, after Chrysler agreed to a recall to fix the defect.

My experience and leadership abilities have been recognized by courts throughout the United States. Matters in which I have served in a leadership role in this judicial district in particular include:

- *In re Lenovo Adware Litigation*, No. 5:15-md-026240-RMW (N.D.Cal.), a multidistrict class action against computer maker Lenovo and software developer Superfish arising from the surreptitious installment of spyware on Lenovo notebooks, in which Judge Ronald M. Whyte appointed my firm as Interim Co-lead Class Counsel.
- *Il Fornaio (America) Corporation v. Lazzari Fuel Company, LLC et al.*, No. 3:13-cv-05197-WHA (N.D.Cal.), a class action alleging market allocation, price-fixing and related antitrust violations in the mesquite lump charcoal market, in which I was appointed by Judge William H. Alsup to serve as Class Counsel.
- *In Re TFT-LCD (Flat Panel) Antitrust Litigation*, No. 07-md-01827-SI (N.D.Cal.), a multidistrict antitrust class, in which I was appointed by Judge Susan Illston to serve as Liaison Counsel for the Direct Purchaser Plaintiffs.
- *Wixon v. Wyndham Resort Development Corporation*, No. 3:07-cv-02361-JSW (N.D.Cal.) a class action challenging actions taken by timeshare developers to the detriment of timeshare owners, in which I was appointed by Judge Jeffrey S. White to serve as one of two Class Counsel.
- *In re Lithium Ion Rechargeable Batteries Antitrust Litigation*, No. 13-md-02420-YGR (N.D. Cal.), a multidistrict antitrust class action in which I was appointed by Judge Yvonne Gonzalez Rogers to serve on the Direct Purchaser Plaintiffs' Executive Committee.
- *In re Adobe Systems Inc. Privacy Litigation*, No. 5:13-cv-05226-LHK (N.D.Cal.), a data breach action in which I was appointed by Judge Lucy H. Koh to serve on Plaintiffs' Steering Committee.
- *Berrien et al v. New Raintree Resorts International, LLC*, 4:10-cv-03125-CW, in which I was appointed by Judge Claudia Wilken, as one of two Class Counsel, to represent a class of U.S. timeshare vacation program members of Raintree Vacation Club and Club Regina who were charged a Special Assessment Fee.
- *In re iPod Cases*, JCCP No. 4355 (Cal. Sup. Ct., San Mateo County), a coordinated consumer class action proceeding against Apple in which I was appointed by then-Superior Court Judge Beth L. Freeman to serve as Co-Lead Class Counsel.

Settlement judges and neutrals before whom I have appeared in the above matters include the Hon. Edward A. Infante (Ret.), the Hon. Fern Smith (Ret.), the Hon. William J. Cahill (Ret.), the Hon. Victor Persón (Ret.), the Hon. Carl J. West (Ret.), Magistrate Judge Joseph C. Spero, and Professor Eric T. Green.

(2) Judicial References and Contact Information

Judge Lichtman (Ret.) and Judge West are both former Supervising Judges, Complex Civil Litigation, of the Los Angeles Superior Court, who now serve as neutrals at JAMS-LA, located at 555 W. 5th St., 32nd Floor, Los Angeles, CA 90013. Judge Infante (Ret.), Judge Smith (Ret.), and Judge Cahill (Ret.) serve as neutrals at JAMS-SF, Two Embarcadero Center, Suite 1500, San Francisco, CA 94111. Judge Persón (Ret.) serves as a neutral at ADR Services, Inc., 915 Wilshire Boulevard, Suite 1900, Los Angeles, CA 90017. Professor Green maintains a private mediation practice at Resolutions, LLC, 125 High Street, Suite 2205, Boston, MA 02110.

The additional judges in the matters discussed in paragraph (1) are members of this Court.

(3) – (7) Willingness and Ability to Commit to the Litigation, Access and Employ Resources, and Work Cooperatively with Other Plaintiffs' Counsel and Defense Counsel

My firm has done significant work investigating and pleading the claims asserted in this litigation, and I personally selected attorneys with considerable experience in consumer class actions to staff this case. My firm has the necessary resources to represent the consumer class, and has deployed those resources over the past several months. We are fully committed to zealously representing the interests of affected vehicle owners/lessees through resolution of the litigation.

Pritzker Levine worked co-operatively with other plaintiffs' counsel to file one of the first-filed class cases on behalf of owners and lessees of affected TDI vehicles. We have worked and will continue to work collaboratively with other plaintiffs' counsel, other Steering Committee members, the defendants, and their counsel to achieve a just and speedy resolution of the litigation.

(8) Additional Considerations

My experience and leadership abilities in this type of litigation also has been recognized by my peers. I am an appointed member of the Executive Committee of the Antitrust, UCL and Privacy Section of the State Bar of California, a member of the Board of Governors of the Consumer Attorneys of California, and have been named to the Northern California "Top 50 Women Lawyers" list for the past three years.

In accordance with Pretrial Order No. 2, I attach to this letter my resume and a list of the names of other counsel who have filed cases in the MDL litigation, know me and my prior leadership experience, and who support my application to the Plaintiffs' Steering Committee.

Respectfully submitted,



Elizabeth C. Pritzker
Pritzker Levine LLP